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05/20/2003

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EXAMINER

MCHEHENRY, KEVIN L

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/092,148

Applicant(s)

MUDGE ET AL.

Examiner

Kevin L McHenry

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1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10, 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 140A and 140B. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The examiner further notes that the left side of Figure 1 appears to be cropped, likely due to a photocopy procedure. Part of an arrow and part of a numeral is visible at the edge of the cropping and it appears that this numeral should be item 300.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 5 recites the limitation "said mating surface" in line 3 of claim 5. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner interpreted this language to mean "a mating surface".
6. Claim 11 recites the limitation "said outside portion" in line 1 of claim 11. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner interpreted claim 11 to depend upon claim 10.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbema et al. (U.S.P. 5,566,984).

Abbema et al. teach a process for welding pipe segments together that have liners, such as liners of a PTFE type material. The pipe segments are joined together by using a weld shield so that a first pipe segment is coupled to a first end of the weld shield. In this case, the end of the weld shield is a side of spacer 30 that abuts against the edge of the pipe segment end (see U.S.P. 5,566,984; particularly Figures 1 and 6; column 1, lines 9-14; column 7, lines 7-29). A second pipe segment is coupled to a second end of the weld shield by abutting the end of the second segment against an opposite side of the spacer. The weld shield has a sleeve body which includes the spacer that creates the weld gap, the shield occupies a cutout portion of the lining, and the sleeve body has short necks that fit around the liner. The shield device also has a layer of insulation material that reduces the conduction of heat to the linings during welding of the pipe segments (see U.S.P. 5,566,984; particularly Figure 6; column 5, lines 25-50; column 7, lines 7-29). The examiner notes that PTFE is glass reinforced Teflon, that

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Teflon is a resin, and that fiberglass is a resin or epoxy resin that is reinforced by glass fibers.

***Allowable Subject Matter***

9. Claims 8-10, 12, and 13 are allowed.
10. Claims 2-4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Claims 5 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a method of welding pipe segments with fiberglass linings by using a weld shield or a weld shield in which the weld shield couples with ends of pipe segments to be joined so that the weld shield body creates a weld gap between the pipe segments, the weld shield device has an insulation material, the shield device at least partially occupies a cutout portion of the fiberglass lining, and wherein the shield mates or couples with the fiberglass linings or ends of the fiberglass linings.

Nor does the prior art teach or suggest such a method or device in which the pipe segments have removed portions of liners that are complimentary to an outer profile of the weld shield.

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**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chyle et al. (U.S.P. 2,916,001), Chyle et al. (U.S.P. 2,820,427), Kuder (U.S.P. 3,365,566), Horn et al. (U.S.P. 5,395,142), Conley et al. (U.S.P. 5,001,320), and Miller (U.S.P. 3,286,341) are cited of interest for illustrating the state of the art in shield devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L McHenry whose telephone number is (703) 305-9626. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



May 14, 2003



M. ALEXANDRA ELVE  
PRIMARY EXAMINER